

OFFICIAL GAZETTE



GOVERNMENT OF GOA

Note: There are three Extraordinary issues to the Official Gazette Series I No. 20 dated 16-8-2001 as follows:-

- 1) Extraordinary dated 16-8-2001 from pages 531 to 532 regarding Notification from Department of Power.
- 2) Extraordinary (No. 2) dated 17-8-2001 from pages 533 to 536 regarding Notifications from Department of Personnel.
- 3) Extraordinary (No. 3) dated 20-8-2001 from pages 537 to 538 regarding Notification from Department of Panchayat Raj and Community Development.

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

10/4/99/LA(Vol.III)/52

The Immigration (Carriers' Liability) Act, 2000 (Central Act No. 52 of 2000) which has been passed by the Parliament and assented to by the President of India on 11-12-2000 is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 31st July, 2001.

The Immigration (Carriers' Liability)
Act, 2000

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to make the carriers liable in respect of passengers brought by them into India in contravention of the provisions of the Passport (Entry into India) Act, 1920 and the rules made thereunder and matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. Short title and extent.— (1) This Act may be called the Immigration (Carriers' Liability) Act, 2000.

(2) It extends to the whole of India.

2. Definitions.— (1) In this Act, unless the context otherwise requires,—

(a) "carrier" means a person who is engaged in the business of transporting passengers by water or air and includes any association of persons, whether incorporated or not, by whom the aircraft or the ship is owned or chartered;

(b) "competent authority" means the civil authority appointed under sub-paragraph (2) of paragraph 2 of the Foreigners Order, 1948 made under the Foreigners Act, 1946 or any other officer notified by the Central Government in this behalf;

(c) "prescribed" means prescribed by rules made under this Act.

(2) Words and expressions not defined in this Act but defined in the Foreigners Act, 1946 or the Passport (Entry into India) Act, 1920 shall have the meanings respectively assigned to them in those Acts.

3. Liability of carriers for passengers brought into India.— Where the competent authority is of the opinion that any carrier has brought a person in contravention of the provisions of the Passport (Entry into India) Act, 1920 and rules made thereunder into India, he may by order impose a penalty of rupees one lakh on such carrier:

Provided that no order shall be passed without giving the carrier an opportunity of being heard in the matter.

4. *Appeals.*— (1) An appeal shall lie against the order made under section 3 of this Act to the Joint Secretary to the Government of India in the Ministry of Home Affairs authorised in this behalf by that Government.

(2) Every such appeal shall be preferred within thirty days from the date of the order appealed against:

Provided that the appellate authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of thirty days, permit the appellant to prefer the appeal within a further period of thirty days.

(3) On receipt of any such appeal, the appellate authority shall, after giving the parties a reasonable opportunity of being heard and after making such inquiry as it deems proper, make such order, as it may think fit, confirming, modifying or reversing the order appealed against.

(4) Every appeal shall be preferred on payment of such fees as may be prescribed.

5. *Recovery of penalty due to Government.*— Where any penalty imposed under this Act is not paid, the competent authority may recover the penalty so payable by seizing, detaining or selling—

(a) the aircraft or the ship; or

(b) any goods on the ship or aircraft, belonging to the carrier.

6. *Bar of legal proceedings.*— No suit, prosecution or other legal proceeding shall lie against the Central Government or the competent authority or any officer of the Central Government or any other person exercising any powers or discharging any functions or performing any duty under this Act for anything in good faith done or intended to be done under this Act or any rule made thereunder.

7. *Application of Acts 16 of 1939, 34 of 1920 and 31 of 1946 not barred.*— The provisions of this Act, and the rules made thereunder shall be in addition to, and not in derogation of the Registration of Foreigners Act, 1939, the Passport (Entry into India) Act, 1920 and the Foreigners Act, 1946 or the rules or orders made thereunder.

8. *Power to make rules.*— (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the fees which shall be paid for appeals under sub-section (4) of section 4;

(b) any other matter which is required to be, or may be, prescribed.

9. *Rules to be laid before Parliament.*— Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

10. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, do anything not inconsistent with such provisions for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the commencement of this Act.

(2) Every order under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Notification

10/4/99-LA(Vol. III)/47

The Passport (Entry into India) Amendment Act, 2000 (Central Act No. 47 of 2000) which has been passed by the Parliament and assented to by the President of India on 8-12-2000 and published

in the Gazette of India, Extraordinary, Part II, Section 1 dated 8-12-2000 is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 31st July, 2001.

The Passport (Entry into India) Amendment
Act, 2000

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further to amend the Passport (Entry into India) Act, 1920.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Passport (Entry into India) Amendment Act, 2000.

2. *Amendment of section 3.*— In section 3 of the Passport (Entry into India) Act, 1920 (hereinafter referred to as the principal Act), in sub-section (3), for the words "punishable with imprisonment for a term which may extend to three months, or with fine, or with both", the words "punishable with imprisonment for a term which may extend to five years, or with fine which may extend to fifty thousand rupees, or with both" shall be substituted.

3. *Insertion of new section 3A.*— After section 3 of the principal Act, the following section shall be inserted, namely:—

"3A. *Punishment for subsequent offences.*— Whoever having been convicted of an offence under any rule or order made under this Act is again convicted of an offence under this Act shall be punishable with double the penalty provided for the later offence."

4. *Amendment of section 4.*— In section 4 of the principal Act, in sub-section (2), for the words and figures "section 61 of the Code of Criminal Procedure, 1898," the words and figures "section 57 of the Code of Criminal Procedure, 1973," shall be substituted.

Notification

10/4/99-LA(Vol. III)/45

The Coal India (Regulation of Transfers and Validation) Act, 2000 (Central Act 45 of 2000) which has been passed by the Parliament and assented to by the President of India on 8-12-2000 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 8-12-2000 is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 31st July, 2001.

The Coal India (Regulation of Transfers
and Validation) Act, 2000.

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to empower the Central Government to direct the transfer of the land, or of the rights in or over land or of the right, title and interest in relation to a coal mine, coking coal mine or coke oven plant, vested in the Coal India Limited or in a subsidiary company to any subsidiary company of Coal India Limited or any other subsidiary company and to validate certain transfers of such land or rights.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Coal India (Regulation of Transfers and Validation) Act, 2000.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) "Coal India" means the Coal India Limited, a Government company incorporated under the Companies Act, 1956 having its registered office at Calcutta and includes its predecessor Government company, namely, the Coal Mines Authority Limited;

(b) "subsidiary company" means the following subsidiary companies of Coal India, namely:—

(i) the Central Coal Fields Limited, Ranchi and includes its predecessor Government company, namely, the National Coal Development Corporation Limited, Ranchi;

(ii) the Bharat Coking Coal Limited, Dhanbad;

(iii) the Western Coal Fields Limited, Nagpur;

(iv) the Eastern Coal Fields Limited, Sanctoria;

(v) the Central Mine Planning and Design Institute Limited, Ranchi;

(vi) the South-Eastern Coal Fields Limited, Bilaspur;

(vii) the Northern Coal Fields Limited, Singrauli;

(viii) the Mahanadi Coal Fields Limited, Sambalpur.

and includes such other subsidiary company of Coal India as may be incorporated under the Companies Act, 1956 1 of 1956. from time to time;

(c) words and expressions used herein and not defined but defined in the Coking Coal Mines (Nationalisation) Act, 1972 or the 36 of 1972. Coal Mines (Nationalisation) Act, 1973, 26 of 1973. shall have the meanings, respectively, assigned to them in those Acts.

3. Power of Central Government to direct transfer of land, rights, title or interest.— (1) Notwithstanding anything contained in any other law for the time being in force, the Central Government may, if it is satisfied that a subsidiary company is willing to comply, or has complied, with such terms and conditions as that Government may think fit to impose, direct, by notification in the Official Gazette, that the land or rights in or over such land or the right, title and interest in relation to a coal mine, coking coal mine or a coke oven plant vested in the Coal India shall, instead

of continuing to vest in the Coal India, vest in that subsidiary company or, where such land or right, title or interest vests in a subsidiary company, in another subsidiary company.

(2) Where the land or rights in or over such land or the right, title and interest in relation to a coal mine, coking coal mine or a coke oven plant vest in a subsidiary company under sub-section (1), such subsidiary company shall, on and from the date of such vesting, be deemed to have become the lessee in relation to such coal mine or coking coal mine as if a fresh mining lease in relation to such coal mine or coking coal mine had been granted to it under the Mineral Concession Rules, 1960 made under section 13 of the Mines and Minerals (Development and Regulation) Act, 1957 for the maximum period for which such lease could have been granted under those rules, and all the rights and liabilities of Coal India or, as the case may be, the subsidiary company in relation to such coal mine or coking coal mine shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of subsidiary company first-mentioned.

4. Validation of certain transfers.— A subsidiary company which was operating, or was in control of, any coal mine, coking coal mine, or coke oven plant which was vested in the Coal India or any other subsidiary company immediately before the commencement of this Act, shall be deemed to have been vested with the land or rights in or over such land or the right, title and interest in relation to such coal mine, coking coal mine or coke oven plant and such vesting shall be deemed to have been valid and effective at all material times as if a direction had been made by the Central Government under sub-section (1) of section 3 and accordingly no suit or other proceeding shall be instituted, maintained or continued in any court on the ground that such subsidiary company was not competent to operate or control such coal mine, coking coal mine or coke oven plant.